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BEFORE THE ARIZONA CORPORATION COMMISSION

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3 KRISTIN K. MAYES

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Commissioner

7 BOB STUMP

Commissioner

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

JUL - 7 2010

DOCKETED BY

10 IN THE MATTER OF THE)
11 APPLICATION OF ARIZONA PUBLIC)
12 SERVICE COMPANY, IN)
13 CONFORMANCE WITH THE)
14 REQUIREMENTS OF ARIZONA)
15 REVISED STATUTES §§ 40-360, *et seq.*,)
16 FOR A CERTIFICATE OF)
17 ENVIRONMENTAL COMPATIBILITY)
18 AUTHORIZING THE TS-5 TO TS-9)
19 500/230kV TRANSMISSION LINE)
PROJECT, WHICH ORIGINATES AT)
THE FUTURE TS-5 SUBSTATION,)
LOCATED IN THE WEST HALF OF)
SECTION 29, TOWNSHIP 4 NORTH,)
RANGE 4 WEST AND TERMINATES AT)
THE FUTURE TS-9 SUBSTATION,)
LOCATED IN SECTION 33, TOWNSHIP)
6 NORTH, RANGE 1 EAST, IN)
MARICOPA COUNTY, ARIZONA)

Docket No. L-00000D-08-0330-00138


Case No. 138

**ARIZONA PUBLIC SERVICE
COMPANY'S NOTICE OF FILING
CONGRESSIONAL LETTER TO
THE BUREAU OF LAND
MANAGEMENT**

20
21 Arizona Public Service Company ("APS") is filing the attached letter from
22 Congressional Members Pastor, Franks and Giffords to the Bureau of Land Management
23 ("BLM"). APS is docketing this letter similar to other post-hearing letters that have been
24 docketed in this matter to keep the Arizona Corporation Commission ("Commission")
25 informed about efforts to acquire a right-of-way on federal land within the transmission
26 corridor certificated in Commission Decision No. 70850.

RESPECTFULLY submitted this 7th day of July, 2010.

LEWIS AND ROCA LLP

By 

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Albert H. Acken

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Attorneys for Arizona Public Service Company

ORIGINAL and thirteen (13) copies
of the foregoing filed this 7th day
of July, 2010, with:

The Arizona Corporation Commission
Utilities Division – Docket Control
1200 W. Washington Street
Phoenix, Arizona 85007

COPY of the foregoing hand-delivered
this 7th day of July, 2010, to:

Honorable Dwight Nodes
Hearing Division
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, Arizona 85007

Chairman Kristin K. Mayes
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, Arizona 85007

Commissioner Gary Pierce
Arizona Corporation Commission
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Commissioner Paul Newman
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Commissioner Sandra D. Kennedy
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Commissioner Bob Stump
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, Arizona 85007

COPY of the foregoing
served electronically via e-mail
this 7th day of July, 2010 to:

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Arizona Power Plant and Transmission Line Siting Committee
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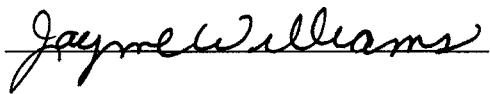
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Congress of the United States
Washington, DC 20515

July 1, 2010

James G. Kenna
Arizona State Director
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Phoenix, Arizona 85027-2929

Steven Cohn
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Dear State Director Kenna, Ms. Bulletts and Mr. Cohn,

As the elected Arizona Congressional Representatives serving Districts 2, 4, and 8, we are writing to request that you exercise your authority and rescind your April 28, 2010 rejection of Application AZA-35079, the Arizona Public Service Company application for Transportation and Utility Systems and Facilities on Federal Lands. The Right-of-Way application submitted to the BLM by Arizona Public Service Company included the corridor that was approved by the Arizona Corporation Commission in Decision 70850 after extensive environmental and public review. Not considering this valid and important information in evaluating APS' ROW application is not in the best interest of the State of Arizona and our constituents. Further, it is consistent with Section 2.1.10 Mission and Goals of the final 1610 (AZP010) Bradshaw Harquahala Resource Management Plan and Record of Decision, (RMP).

The RMP accommodates the complexity of the land planning process by providing flexibility and identifying a number of administrative actions which your office may employ to address the current situation. These are provided for in the RMP under "Modifications", "Clarifications", "Plan Monitoring", "Implementation Monitoring" and "Effectiveness Monitoring" as well as "Adaptive Management". Additionally, the BLM H-1601-1 Land Use Planning Handbook has specific sections which address the importance of "Coordination and Cooperation with Other Federal Agencies and State and Local Governments" as well as the procedures for administrative

authority in "Considering New Proposals, Circumstances and Information", and "Amending and Revising Decisions".

The installation of the TS-5 to TS-9 electric transmission line by its scheduled in-service date is essential for the elimination of electric transmission congestion and for furthering the development and conveyance of renewable energy, including the numerous solar energy ROW applications pending on BLM lands. BLM's acceptance of the APS ROW application for this line will address area-wide constraints and restrictions for energy transmission, and the need for enhanced redundancy and reliability. The TS-5 to TS-9 transmission line per the ACC decision will better promote the long-term sustainability of the population and environment in Arizona.

There are at least three important reports and decisions that occurred in 2009 which provide data and refer to issues covered in the RMP. These include: Arizona Corporation Commission Decision No. 70850, Docket No. L-00000D-08-0330-00138; Department of Energy National Electric Transmission Congestion Study; and BLM RMP ROD Designation of Energy Corridors on Bureau of Land Management Administered Lands in 11 Western States. These are not listed in the "Related Plans" section of the RMP. The integration of information from these State and Federal documents warrant an administrative adjustment to the management decisions and would not affect the broad-scale goals and objectives of the RMP.



The ACC decision and the DOE and BLM reports were available to the BLM prior to the April 2010 RMP Record of Decision. These reports provide information which create a changed circumstance and make the granting of the ROW north of State Route 74 an appropriate location for the APS TS-5 to TS-9 Project. The information from these 2009 State and Federal Agencies is important to be integrated into the Bradshaw Harquahala RMP land use plan implementation.

In addition, it appears that there may be an incorrect designation of BLM lands along State Route 74 as a "Transportation Corridor", which is an undefined term in the RMP Glossary. State Route 74, approved for expansion and development by the voters of Maricopa County and identified on the Regional Transportation Plans by Maricopa Association of Governments is more appropriately a "Designated Corridor". This BLM RMP defined term would be consistent with BLM's position on co-location of utility and transportation rights-of-way, regional transportation plans, the ACC decision and the APS ROW application.

We strongly urge you to consider the facts, federal policy decisions, 2009 reports, and the Arizona State Siting Process as outlined in this letter. This body of information merits the location of this electric transmission line in its ACC approved location and confirms that location as consistent with the RMP. Please take a course of action, including the possibility of errata that will expedite the approval of the APS ROW application.

It is our goal, as Congressional Representatives, to ensure that the State of Arizona continues to be a leader in promoting renewable energy projects in the west, which will help relieve our dependence on fossil fuels. The APS TS-5 to TS-9 500/230kV Transmission Line Project will help achieve that goal. We thank you in advance for your consideration and swift action to approve these recommendations.

Most sincerely,


Trent Franks
United States Congress
Gabrielle Giffords
United States Congress
Ed Pastor
United States Congress